

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

This Document Relates To:

ALL CONSUMER INDIRECT
PURCHASER PLAINTIFF ACTIONS

Civil No. 18-cv-1776 (JRT/HB)

**DEFENDANT TRIUMPH FOODS,
LLC’S ANSWER AND AFFIRMATIVE
DEFENSES TO CONSUMER
INDIRECT PURCHASER
PLAINTIFFS’ SECOND AMENDED
CONSOLIDATED CLASS ACTION
COMPLAINT**

JURY TRIAL DEMANDED

Defendant Triumph Foods, LLC (“Triumph”), by and through its undersigned counsel, respectfully submits its Answer and Affirmative Defenses to the Consumer Indirect Purchaser Plaintiffs’ Second Amended Consolidated Class Action Complaint, Dkt. 392:¹

I. NATURE OF ACTION

1. Paragraph 1 contains legal conclusions and/or Plaintiffs’ general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 1 and therefore denies the same.

2. Paragraph 2 contains legal conclusions and/or Plaintiffs’ general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 2 and therefore denies the same.

3. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 3 and therefore denies the same.

¹ “Plaintiffs” refers collectively to each of the named plaintiffs identified in ¶¶ 199-233 of this Complaint.

4. Paragraph 4 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 4 and therefore denies the same.

5. Paragraph 5 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 5 and therefore denies the same.

6. Triumph denies the allegations in Paragraph 6.

7. Paragraph 7 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 7 and therefore denies the same.

8. Triumph denies the allegations in Paragraph 8.

9. Paragraph 9 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 9 and therefore denies the same.

10. Paragraph 10 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 10.

11. Paragraph 11 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is

required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 11 and therefore denies the same.

12. Paragraph 12 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 12.

13. Paragraph 13 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph admits that Plaintiffs purport to allege violations as described in Paragraph 13, states further that Plaintiffs fail to state a claim upon which relief may be granted, and otherwise denies any remaining allegations in Paragraph 13.

II. SUMMARY OF PARTIES

14. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 14 and therefore denies the same.

15. Triumph admits that it is named as a defendant in Plaintiffs' Complaint, but Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 15 and therefore denies the same.

16. Paragraph 16 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 16.

III. FACTUAL ALLEGATIONS

17. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 17 and therefore denies the same.

18. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 18 and therefore denies the same.

19. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 19 and therefore denies the same.

20. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 20 and therefore denies the same.

21. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph denies any remaining allegations in Paragraph 21.

22. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 22 and therefore denies the same.

23. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 23 and therefore denies the same.

24. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 24 and therefore denies the same.

25. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 25 and therefore denies the same.

26. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 26 and therefore denies the same.

27. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 27 and therefore denies the same.

28. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph denies any remaining allegations in Paragraph 28.

29. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 29 and therefore denies the same.

30. Paragraph 30 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 30 and therefore denies the same.

31. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 31 and therefore denies the same.

32. Paragraph 32 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 32 and therefore denies the same.

33. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 33 and therefore denies the same.

34. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 34 and therefore denies the same.

35. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 35 and therefore denies the same.

36. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 36 and therefore denies the same.

37. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 37 and therefore denies the same.

38. Paragraph 38 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 38 and therefore denies the same.

39. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 39 and therefore denies the same.

40. Paragraph 40 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 40 and therefore denies the same.

41. Paragraph 41 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 41 and therefore denies the same.

42. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 42 and therefore denies the same.

43. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 43 and therefore denies the same.

44. Paragraph 44 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 44 and therefore denies the same.

45. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 45 and therefore denies the same.

46. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 46 and therefore denies the same.

47. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 47 and therefore denies the same.

48. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph denies any remaining allegations in Paragraph 48.

49. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 49 and therefore denies the same.

50. Paragraph 50 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 50 and therefore denies the same.

51. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 51 and therefore denies the same.

52. Paragraph 52 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 52 and therefore denies the same.

53. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 53 and therefore denies the same.

54. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph denies any remaining allegations in Paragraph 54.

55. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 53 and therefore denies the same.

56. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 56 and therefore denies the same.

57. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 57 and therefore denies the same.

58. Paragraph 58 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 58.

59. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 59 and therefore denies the same.

60. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 60 and therefore denies the same.

61. Paragraph 61 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 61.

62. Paragraph 62 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 62.

63. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 63 and therefore denies the same.

64. Paragraph 64 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 64 and therefore denies the same.

65. Paragraph 65 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 65 and therefore denies the same.

66. Paragraph 66 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 66 and therefore denies the same.

67. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 67 and therefore denies the same.

68. Paragraph 68 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 66 and therefore denies the same.

69. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 69 and therefore denies the same.

70. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 70 and therefore denies the same.

71. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 71 and therefore denies the same.

72. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 72 and therefore denies the same.

73. Paragraph 73 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 73 and therefore denies the same.

74. Paragraph 74 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 74 and therefore denies the same.

75. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 75 and therefore denies the same.

76. Paragraph 76 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 76 and therefore denies the same.

77. Paragraph 77 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 77 and therefore denies the same.

78. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 78 and therefore denies the same.

79. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 79 and therefore denies the same.

80. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 80 and therefore denies the same.

81. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 81 and therefore denies the same.

82. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 82 and therefore denies the same.

83. Paragraph 83 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 83 and therefore denies the same.

84. Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 84 and therefore denies the same.

85. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 85 and therefore denies the same.

86. Paragraph 86 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 86 and therefore denies the same.

87. Paragraph 87 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 87 and therefore denies the same.

88. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 88 and therefore denies the same.

89. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 89 and therefore denies the same.

90. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 90 and therefore denies the same.

91. Paragraph 91 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 91 and therefore denies the same.

92. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 92 and therefore denies the same.

93. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 93 and therefore denies the same.

94. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 94 and therefore denies the same.

95. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 95 and therefore denies the same.

96. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 96 and therefore denies the same.

97. Paragraph 97 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 97 and therefore denies the same.

98. Paragraph 98 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 98 and therefore denies the same.

99. Paragraph 99 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 99 and therefore denies the same.

100. Paragraph 100 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 100 and therefore denies the same.

101. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 101 and therefore denies the same.

102. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 102 and therefore denies the same.

103. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 103 and therefore denies the same.

104. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 104 and therefore denies the same.

105. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 105 and therefore denies the same.

106. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 106 and therefore denies the same.

107. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 107 and therefore denies the same.

108. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 108 and therefore denies the same.

109. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 109 and therefore denies the same.

110. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 110 and therefore denies the same.

111. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 111 and therefore denies the same.

112. Paragraph 112 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph admits that Triumph and Seaboard are parties to a marketing agreement, and otherwise denies the allegations in Paragraph 112.

113. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 113 and therefore denies the same.

114. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 114 and therefore denies the same.

115. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 115 and therefore denies the same.

116. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 116 and therefore denies the same.

117. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 117 and therefore denies the same.

118. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 118 and therefore denies the same.

119. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 119 and therefore denies the same.

120. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 120 and therefore denies the same.

121. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 121 and therefore denies the same.

122. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 122 and therefore denies the same.

123. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 123 and therefore denies the same.

124. Paragraph 124 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 124 and therefore denies the same.

125. Triumph states that USDA publications referenced in the Complaint speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 125 and therefore denies the same.

126. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 126 and therefore denies the same.

127. Paragraph 127 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 127 and therefore denies the same.

128. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 128 and therefore denies the same.

129. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 129 and therefore denies the same.

130. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 130 and therefore denies the same.

131. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 131 and therefore denies the same.

132. Paragraph 132 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 132 and therefore denies the same.

133. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 133 and therefore denies the same.

134. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 134 and therefore denies the same.

135. Triumph states that the alleged Bureau of Labor Statistics data referenced in Paragraph 135 speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 135 and therefore denies the same.

136. Triumph states that the alleged Bureau of Labor Statistics data referenced in Paragraph 136 speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 136 and therefore denies the same.

137. Triumph states that the alleged Bureau of Labor Statistics data referenced in Paragraph 137 speaks for itself and is the best evidence of its contents, and Triumph is otherwise

without sufficient knowledge or information to admit or deny the allegations in Paragraph 137 and therefore denies the same.

138. Paragraph 138 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 138 and therefore denies the same.

139. Paragraph 139 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 139 and therefore denies the same.

140. Paragraph 140 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 140, because hog production practices vary greatly within the commercial hog industry and among individual producers, and therefore denies the same.

141. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 141 and therefore denies the same.

142. Paragraph 142 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 142, because hog production practices vary greatly within the commercial hog industry and among individual producers, and therefore denies the same.

143. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 143 and therefore denies the same.

144. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 144, because hog production practices vary greatly within the commercial hog industry and among individual producers, and therefore denies the same.

145. Paragraph 145 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 145 and therefore denies the same.

146. Paragraph 146 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 146 and therefore denies the same.

147. Paragraph 147 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 147 and therefore denies the same.

148. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 148 and therefore denies the same.

149. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 149 and therefore denies the same.

150. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 150 and therefore denies the same.

151. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 151 and therefore denies the same.

152. Paragraph 152 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 152 and therefore denies the same.

153. Paragraph 153 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 153 and therefore denies the same.

154. Paragraph 154 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 154 and therefore denies the same.

155. Paragraph 155 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 155 and therefore denies the same.

156. Paragraph 156 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 156.

157. Paragraph 157 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 157.

158. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 158 and therefore denies the same.

159. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 159 and therefore denies the same.

160. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 160 and therefore denies the same.

161. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 161 and therefore denies the same.

162. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 162 and therefore denies the same.

163. Triumph states that the article referenced in Paragraph 163 speaks for itself and is the best evidence of its contents, and Triumph otherwise is without sufficient knowledge or information to admit or deny the allegations in Paragraph 163 and therefore denies the same.

164. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 164 and therefore denies the same.

165. Paragraph 165 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 165.

166. Paragraph 166 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 166.

167. Paragraph 167 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 167.

IV. PLAINTIFFS ALLEGE VIOLATIONS UNDER BOTH THE *PER SE* AND RULE OF REASON STANDARDS OF THE SHERMAN ACT

168. Paragraph 168 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph admits that Plaintiffs purport to allege violations as described in Paragraph 168, states further that Plaintiffs fail to state a claim upon which relief may be granted, and otherwise denies any remaining allegations in Paragraph 168.

169. Paragraph 169 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 169.

170. Paragraph 170 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 170.

171. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 171 and therefore denies the same.

172. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 172 and therefore denies the same.

173. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 173 and therefore denies the same.

174. Paragraph 174 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 174.

175. Paragraph 175 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 175.

176. Paragraph 176 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 176.

177. Paragraph 177 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 177.

178. Paragraph 178 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 178.

179. Paragraph 179 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 179.

180. Paragraph 180 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 180.

181. Paragraph 181 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 181.

182. Paragraph 182 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 182.

183. Paragraph 183 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 183.

184. Paragraph 184 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 184.

185. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 185 and therefore denies the same.

186. Paragraph 186 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph states that any Agri Stats reports speak for themselves and are the best evidence of their contents, and Triumph is otherwise denies the allegations in Paragraph 186.

187. Paragraph 187 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 187.

188. Paragraph 188 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is

required, Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 188 and therefore denies the same.

189. Paragraph 189 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph admits that the Pork Checkoff was legislatively adopted by Congress and operates under the auspices of the USDA. Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 189 and therefore denies the same.

190. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 190 and therefore denies the same.

191. Paragraph 191 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 191.

192. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 192 and therefore denies the same.

193. Paragraph 193 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 193.

194. Paragraph 194 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 194.

V. JURISDICTION AND VENUE

195. Triumph admits that Plaintiffs seek injunctive relief and to recover treble damages and the costs of this suit, including reasonable attorneys' fees, but denies that Plaintiffs state a claim and/or are entitled to any of the relief, requested or otherwise. Triumph does not dispute

the Court's jurisdiction over the subject matter of this action. Triumph denies any remaining allegations in Paragraph 195.

196. Triumph does not dispute that venue is appropriate in this District.

197. Triumph does not dispute that it is personally subject to the Court's jurisdiction, or the allegations in Paragraphs 197(a) and 197(c), but Triumph denies the allegations in Paragraph 197(b) and 197(d), as well as any remaining allegations in Paragraph 197.

198. Paragraph 198 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 198.

VI. PARTIES

199. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 199 and therefore denies the same.

200. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 200 and therefore denies the same.

201. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 201 and therefore denies the same.

202. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 202 and therefore denies the same.

203. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 203 and therefore denies the same.

204. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 204 and therefore denies the same.

205. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 205 and therefore denies the same.

206. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 206 and therefore denies the same.

207. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 207 and therefore denies the same.

208. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 208 and therefore denies the same.

209. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 209 and therefore denies the same.

210. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 210 and therefore denies the same.

211. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 211 and therefore denies the same.

212. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 212 and therefore denies the same.

213. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 213 and therefore denies the same.

214. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 214 and therefore denies the same.

215. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 215 and therefore denies the same.

216. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 216 and therefore denies the same.

217. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 217 and therefore denies the same.

218. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 218 and therefore denies the same.

219. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 219 and therefore denies the same.

220. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 220 and therefore denies the same.

221. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 221 and therefore denies the same.

222. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 222 and therefore denies the same.

223. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 223 and therefore denies the same.

224. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 224 and therefore denies the same.

225. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 225 and therefore denies the same.

226. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 226 and therefore denies the same.

227. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 227 and therefore denies the same.

228. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 228 and therefore denies the same.

229. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 229 and therefore denies the same.

230. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 230 and therefore denies the same.

231. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 231 and therefore denies the same.

232. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 232 and therefore denies the same.

233. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 233 and therefore denies the same.

234. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 234 and therefore denies the same.

235. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 235 and therefore denies the same.

236. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 236 and therefore denies the same.

237. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 237 and therefore denies the same.

238. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 238 and therefore denies the same.

239. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 239 and therefore denies the same.

240. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 240 and therefore denies the same.

241. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 241 and therefore denies the same.

242. Triumph admits that it is a limited-liability company headquartered in St. Joseph, Missouri, but otherwise denies the allegations in Paragraph 242.

243. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 243 and therefore denies the same.

244. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 244 and therefore denies the same.

245. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 245 and therefore denies the same.

VII. CLASS ACTION ALLEGATIONS

246. Triumph denies that this case can properly proceed as a class action, that the requirements of a class action are applicable, and that the class definitions set forth in Paragraph 246 are appropriate or meets the requirements of the Federal Rules of Civil Procedure. Triumph therefore denies the allegations in Paragraph 246.

247. Triumph incorporates herein its response to Paragraph 246, *supra*, and denies any remaining allegations in Paragraph 247.

248. Triumph denies the allegations in Paragraph 248 insofar as they pertain to Triumph, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 248 and therefore denies the same.

249. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 249 and therefore denies the same.

250. Triumph denies the allegations in Paragraph 250 insofar as they pertain to Triumph, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 250 and therefore denies the same.

251. Triumph denies the allegations in Paragraph 251.

252. Triumph is without sufficient knowledge or information to admit or deny the allegations in Paragraph 252 and therefore denies the same.

253. Triumph denies the allegations in Paragraph 253.

254. Triumph denies the allegations in Paragraph 254.

255. Triumph incorporates herein its response to Paragraph 246, *supra*, and denies any remaining allegations in Paragraph 255.

256. Triumph denies the allegations in Paragraph 256 insofar as they pertain to Triumph, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in Paragraph 256 and therefore denies the same.

VIII. ANTITRUST INJURY

257. Paragraph 257 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 257.

258. Paragraph 258 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 258.

259. Paragraph 259 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 259.

260. Paragraph 260 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 260.

261. Paragraph 261 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 261.

262. Paragraph 262 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 262.

263. Paragraph 263 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 263.

264. Paragraph 264 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 264.

IX. CAUSES OF ACTION

VIOLATION OF THE SHERMAN ACT

FIRST CLAIM FOR RELIEF

**VIOLATION OF SECTION 1 OF THE SHERMAN ACT 15 U.S.C. § 1 FOR
CONSPIRACY TO RESTRAIN PRODUCTION (ON BEHALF OF NATIONWIDE
CLASS FOR INJUNCTIVE AND EQUITABLE RELIEF)**

265. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

266. Paragraph 266 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 266.

267. Paragraph 267 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 267.

268. Paragraph 268 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 268.

269. Paragraph 269 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 269.

270. Paragraph 270 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 270.

SECOND CLAIM FOR RELIEF
**VIOLATION OF SECTION 1 OF THE SHERMAN ACT 15 U.S.C. § 1 FOR
CONSPIRACY TO EXCHANGE COMPETITIVE INFORMATION (ON BEHALF OF
NATIONWIDE CLASS FOR INJUNCTIVE AND EQUITABLE RELIEF)**

271. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

272. Paragraph 272 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 272.

273. Paragraph 273 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 273.

274. Paragraph 274 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 274.

275. Paragraph 275 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 275.

276. Paragraph 276 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 276.

277. Paragraph 277 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 277.

278. Paragraph 278 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 278.

279. Paragraph 279 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 279.

280. Paragraph 280 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 280.

281. Paragraph 281 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 281.

282. Paragraph 282 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 282.

283. Paragraph 283 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 283.

284. Paragraph 284 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 284.

VIOLATIONS OF STATE ANTITRUST LAWS

285. Triumph incorporates by reference the responses in the preceding paragraphs.

286. Paragraph 286 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph admits that Plaintiffs purport to allege violations of state antitrust laws, states further that Plaintiffs fail to state a claim upon which relief may be granted, and otherwise denies any remaining allegations in Paragraph 286.

THIRD CLAIM FOR RELIEF
VIOLATION OF ARIZONA'S UNIFORM STATE ANTITRUST ACT, ARIZ. REV.
STAT. § 44-1401, ET SEQ. (ON BEHALF OF THE ARIZONA CLASS)

287. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

288. Paragraph 288 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 288.

289. Paragraph 289 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 289.

290. Paragraph 290 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 290.

291. Paragraph 291 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 291.

292. Paragraph 292 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 292.

293. Paragraph 293 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 293.

294. Paragraph 294 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 294.

FOURTH CLAIM FOR RELIEF
VIOLATION OF CALIFORNIA'S CARTWRIGHT ACT, CAL. BUS. & PROF. CODE §
16700, ET SEQ. (ON BEHALF OF THE CALIFORNIA CLASS)

295. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

296. Paragraph 296 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 296.

297. Paragraph 297 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 297.

298. Paragraph 298 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 298.

299. Paragraph 299 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 299.

300. Paragraph 300 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 300.

301. Paragraph 301 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 301.

302. Paragraph 302 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 302.

FIFTH CLAIM FOR RELIEF
VIOLATION OF THE DISTRICT OF COLUMBIA ANTITRUST ACT, D.C. CODE §
28-4501, ET SEQ. (ON BEHALF OF THE DISTRICT OF COLUMBIA CLASS)

303. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

304. Paragraph 304 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 304.

305. Paragraph 305 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 305.

306. Paragraph 306 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 306.

307. Paragraph 307 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 307.

308. Paragraph 308 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 308.

SIXTH CLAIM FOR RELIEF
VIOLATION OF THE ILLINOIS ANTITRUST ACT, 740 ILL. COMP. STAT. ANN.
10/3(1), ET SEQ. (ON BEHALF OF THE ILLINOIS CLASS)

309. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

310. Paragraph 310 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 310.

311. Paragraph 311 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 311.

312. Paragraph 312 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 312.

313. Paragraph 313 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 313.

314. Paragraph 314 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 314.

315. Paragraph 315 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 315.

SEVENTH CLAIM FOR RELIEF
VIOLATION OF THE IOWA COMPETITION LAW IOWA CODE § 553.1, ET SEQ.
(ON BEHALF OF THE IOWA CLASS)

316. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

317. Paragraph 317 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 317.

318. Paragraph 318 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 318.

319. Paragraph 319 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 319.

320. Paragraph 320 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 320.

EIGHTH CLAIM FOR RELIEF
VIOLATION OF THE KANSAS RESTRAINT OF TRADE ACT KAN. STAT. ANN.
§ 50-101, ET SEQ. (ON BEHALF OF THE KANSAS CLASS)

321. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

322. Paragraph 322 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 322.

323. Paragraph 323 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 323.

324. Paragraph 324 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 324.

325. Paragraph 325 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 325.

326. Paragraph 326 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 326.

NINTH CLAIM FOR RELIEF
VIOLATION OF THE MAINE'S ANTITRUST STATUTE ME. REV. STAT. ANN. TIT.
10 § 1101, ET SEQ. (ON BEHALF OF THE MAINE CLASS)

327. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

328. Paragraph 328 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 328.

329. Paragraph 329 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 329.

330. Paragraph 330 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 330.

331. Paragraph 331 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 331.

332. Paragraph 332 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 332.

TENTH CLAIM FOR RELIEF
VIOLATION OF THE MICHIGAN ANTITRUST REFORM ACT MICH. COMP. LAWS
§ 445.771, ET SEQ. (ON BEHALF OF THE MICHIGAN CLASS)

333. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

334. Paragraph 334 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 334.

335. Paragraph 335 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 335.

336. Paragraph 336 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 336.

337. Paragraph 337 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 337.

338. Paragraph 338 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 338.

ELEVENTH CLAIM FOR RELIEF
VIOLATION OF THE MINNESOTA ANTITRUST LAW, MINN. STAT. § 325D.49, ET
SEQ. (ON BEHALF OF THE MINNESOTA CLASS)

339. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

340. Paragraph 340 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 340.

341. Paragraph 341 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 341.

342. Paragraph 342 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 342.

343. Paragraph 343 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 343.

344. Paragraph 344 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 344.

TWELFTH CLAIM FOR RELIEF
VIOLATION OF THE MISSISSIPPI ANTITRUST STATUTE, MISS. CODE ANN.
§ 74-21-1, ET SEQ. (ON BEHALF OF THE MISSISSIPPI CLASS)

Plaintiffs' Twelfth Claim for Relief (¶¶ 345-53) was dismissed by the Court on October 20, 2020 (Dkt. 520). Therefore, no response is required. To the extent a response is required, Triumph denies the allegations in Paragraphs ¶¶ 345-53.

THIRTEENTH CLAIM FOR RELIEF
VIOLATION OF THE MISSOURI MERCHANDISING PRACTICES ACT, MO. ANN.
STAT. § 407.010, ET SEQ. (ON BEHALF OF THE MISSOURI CLASS)

354. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

355. Paragraph 355 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 355.

356. Paragraph 356 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 356.

357. Paragraph 357 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 357.

358. Paragraph 358 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 358.

359. Paragraph 359 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 359.

FOURTEENTH CLAIM FOR RELIEF
VIOLATION OF THE NEBRASKA JUNKIN ACT, NEB. REV. STAT. § 59-801, ET SEQ.
(ON BEHALF OF THE NEBRASKA CLASS)

360. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

361. Paragraph 361 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 361.

362. Paragraph 362 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 362.

363. Paragraph 363 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 363.

364. Paragraph 364 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 364.

365. Paragraph 365 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 365.

FIFTEENTH CLAIM FOR RELIEF
VIOLATION OF THE NEVADA UNFAIR TRADE PRACTICES ACT, NEV. REV.
STAT. § 598A.010, *ET SEQ.* (ON BEHALF OF THE NEVADA CLASS)

366. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

367. Paragraph 367 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 367.

368. Paragraph 368 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 368.

369. Paragraph 369 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 369.

370. Paragraph 370 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 370.

371. Paragraph 371 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 371.

372. Paragraph 372 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 372.

373. Paragraph 373 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 373.

374. Paragraph 374 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 374.

SIXTEENTH CLAIM FOR RELIEF
VIOLATION OF NEW HAMPSHIRE'S ANTITRUST STATUTE, N.H. REV. STAT.
ANN. TIT. XXXI, § 356, ET SEQ. (ON BEHALF OF THE NEW HAMPSHIRE CLASS)

375. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

376. Paragraph 376 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 376.

377. Paragraph 377 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 377.

378. Paragraph 378 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 378.

379. Paragraph 379 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 379.

380. Paragraph 380 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 380.

SEVENTEENTH CLAIM FOR RELIEF
**VIOLATION OF THE NEW MEXICO ANTITRUST ACT, N.M. STAT. ANN. §§ 57-1-1,
ET SEQ. (ON BEHALF OF THE NEW MEXICO CLASS)**

381. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

382. Paragraph 382 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 382.

383. Paragraph 383 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 383.

384. Paragraph 384 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 384.

385. Paragraph 385 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 385.

386. Paragraph 386 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 386.

EIGHTEENTH CLAIM FOR RELIEF
VIOLATION OF SECTION 340 OF THE NEW YORK GENERAL BUSINESS LAW (ON
BEHALF OF THE NEW YORK CLASS)

387. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

388. Paragraph 388 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 388.

389. Paragraph 389 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 389.

390. Paragraph 390 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 390.

391. Paragraph 391 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 391.

392. Paragraph 392 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 392.

NINETEENTH CLAIM FOR RELIEF
VIOLATION OF THE NORTH CAROLINA GENERAL STATUTES, N.C. GEN. STAT.
§ 75-1, ET SEQ. (ON BEHALF OF THE NORTH CAROLINA CLASS)

393. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

394. Paragraph 394 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 394.

395. Paragraph 395 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 395.

396. Paragraph 396 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 396.

397. Paragraph 397 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 397.

398. Paragraph 398 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 398.

TWENTIETH CLAIM FOR RELIEF
VIOLATION OF THE NORTH DAKOTA UNIFORM STATE ANTITRUST ACT, N.D.
CENT. CODE § 51-08.1, ET SEQ. (ON BEHALF OF THE NORTH DAKOTA CLASS)

399. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

400. Paragraph 400 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 400.

401. Paragraph 401 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 401.

402. Paragraph 402 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 402.

403. Paragraph 403 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 403.

404. Paragraph 404 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 404.

TWENTY-FIRST CLAIM FOR RELIEF
VIOLATION OF THE RHODE ISLAND ANTITRUST ACT, R.I. GEN LAWS § 6-36-1,
***ET SEQ.* (ON BEHALF OF THE RHODE ISLAND CLASS)**

405. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

406. Paragraph 406 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 406. Further, Plaintiffs' Twenty-First Claim for Relief (¶¶ 405-10) was dismissed by the Court on October 20, 2020 (Dkt. 520) as to claims arising before July 15, 2013.

407. Paragraph 407 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 407. Further, Plaintiffs' Twenty-First Claim for Relief (¶¶ 405-10) was dismissed by the Court on October 20, 2020 (Dkt. 520) as to claims arising before July 15, 2013.

408. Paragraph 408 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 408. Further, Plaintiffs' Twenty-First Claim for Relief (¶¶ 405-10) was dismissed by the Court on October 20, 2020 (Dkt. 520) as to claims arising before July 15, 2013.

409. Paragraph 409 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 409. Further, Plaintiffs' Twenty-First Claim for Relief (§§ 405-10) was dismissed by the Court on October 20, 2020 (Dkt. 520) as to claims arising before July 15, 2013.

410. Paragraph 410 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 410. Further, Plaintiffs' Twenty-First Claim for Relief (§§ 405-10) was dismissed by the Court on October 20, 2020 (Dkt. 520) as to claims arising before July 15, 2013.

TWENTY-SECOND CLAIM FOR RELIEF
VIOLATION OF THE TENNESSEE TRADE PRACTICES ACT, TENN. CODE, §
47-25-101, ET SEQ. (ON BEHALF OF THE TENNESSEE CLASS)

411. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

412. Paragraph 412 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 412.

413. Paragraph 413 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 413.

414. Paragraph 414 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 414.

415. Paragraph 415 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 415.

416. Paragraph 416 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 416.

417. Paragraph 417 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 417.

418. Paragraph 418 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 418.

TWENTY-THIRD CLAIM FOR RELIEF
VIOLATION OF THE UTAH ANTITRUST ACT, UTAH CODE ANN. §§ 76-10-911, ET
SEQ. (ON BEHALF OF THE UTAH CLASS)

419. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

420. Paragraph 420 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 420.

421. Paragraph 421 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 421.

422. Paragraph 422 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 422.

423. Paragraph 423 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 423.

424. Paragraph 424 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 424.

TWENTY-FOURTH CLAIM FOR RELIEF
VIOLATION OF THE WEST VIRGINIA ANTITRUST ACT, W. VA. CODE §47-18-1,
ET SEQ. (ON BEHALF OF THE WEST VIRGINIA CLASS)

425. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

426. Paragraph 426 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 426.

427. Paragraph 427 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 427.

428. Paragraph 428 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 428.

429. Paragraph 429 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 429.

VIOLATIONS OF STATE CONSUMER PROTECTION LAWS

430. Triumph incorporates by reference the responses in the preceding paragraphs.

431. Paragraph 431 contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph admits that Plaintiffs purport to allege violations state consumer protection, or similar, state laws as identified in the Complaint, states further that Plaintiffs fail to state a claim upon which relief may be granted, and otherwise denies any remaining allegations in Paragraph 431.

TWENTY-FIFTH CLAIM FOR RELIEF

VIOLATION OF CALIFORNIA'S UNFAIR COMPETITION LAW CAL. BUS. & PROF. CODE § 17200, ET SEQ. (THE "UCL") (ON BEHALF OF THE CALIFORNIA CLASS)

432. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

433. Paragraph 433 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 433.

434. Paragraph 434 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 434.

435. Paragraph 435 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 435.

436. Paragraph 436 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 436.

437. Paragraph 437 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 437.

438. Paragraph 438 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 438.

439. Paragraph 439 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 439.

440. Paragraph 440 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 440.

441. Paragraph 441 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 441.

TWENTY-SIXTH CLAIM FOR RELIEF
VIOLATION OF THE DISTRICT OF COLUMBIA CONSUMER PROTECTION
PROCEDURES ACT, D.C. CODE § 28-3901, ET SEQ. (ON BEHALF OF THE
DISTRICT OF COLUMBIA CLASS)

442. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

443. Paragraph 443 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 443.

444. Paragraph 444 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 444.

445. Paragraph 445 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 445.

446. Paragraph 446 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 446.

447. Paragraph 447 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 447.

448. Paragraph 448 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 448.

449. Paragraph 449 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 449.

450. Paragraph 450 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 450.

451. Paragraph 451 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 451.

TWENTY-SEVENTH CLAIM FOR RELIEF
VIOLATION OF THE FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES
ACT, FLA. STAT. § 501.201(2), ET SEQ. (ON BEHALF OF THE FLORIDA CLASS)

452. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

453. Paragraph 453 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 453.

454. Paragraph 454 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 454.

455. Paragraph 455 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 455.

456. Paragraph 456 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 456.

457. Paragraph 457 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 457.

458. Paragraph 458 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 458.

459. Paragraph 459 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 459.

460. Paragraph 460 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 460.

461. Paragraph 461 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 461.

462. Paragraph 462 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 462.

463. Paragraph 463 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 463.

TWENTY-EIGHTH CLAIM FOR RELIEF
VIOLATION OF THE HAWAII REVISED STATUTES ANNOTATED §§ 480-1, *ET SEQ.*
(ON BEHALF OF HAWAII CLASS)

464. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

465. Paragraph 465 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 465.

466. Paragraph 466 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 466.

467. Paragraph 467 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 467.

468. Paragraph 468 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 468.

TWENTY-NINTH CLAIM FOR RELIEF
VIOLATION OF THE ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS
PRACTICES ACT, 815 ILL. COMP. STAT. ANN. 505/10A, *ET SEQ.* (ON BEHALF OF
THE ILLINOIS CLASS)

469. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

470. Paragraph 470 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 470.

471. Paragraph 471 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 471.

472. Paragraph 472 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 472.

473. Paragraph 473 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 473.

474. Paragraph 474 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 474.

475. Paragraph 475 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 475.

476. Paragraph 476 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 476.

477. Paragraph 477 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 477.

THIRTIETH CLAIM FOR RELIEF
**VIOLATION OF THE MASSACHUSETTS CONSUMER PROTECTION ACT, MASS.
GEN. LAWS CH. 93A § 1, ET SEQ. (ON BEHALF OF THE MASSACHUSETTS CLASS)**

Plaintiffs' Thirtieth Claim for Relief (§§ 478-79) was dismissed by the Court on October 20, 2020 (Dkt. 520). Therefore, no response is required. To the extent a response is required, Triumph denies the allegations in Paragraphs 478-79.

THIRTY-FIRST CLAIM FOR RELIEF
VIOLATION OF THE MICHIGAN CONSUMER PROTECTION ACT, MICH. COMP. LAWS ANN. § 445.901, ET SEQ. (ON BEHALF OF THE MICHIGAN CLASS)

Plaintiffs' Thirty-First Claim for Relief (§§ 480-89) was dismissed by the Court on October 20, 2020 (Dkt. 520). Therefore, no response is required. To the extent a response is required, Triumph denies the allegations in Paragraphs 480-89.

THIRTY-SECOND CLAIM FOR RELIEF
VIOLATION OF THE MINNESOTA CONSUMER FRAUD ACT, MINN. STAT. § 325F.68, ET SEQ. (ON BEHALF OF THE MINNESOTA CLASS)

Plaintiffs' Thirty-Second Claim for Relief (§§ 490-99) was dismissed by the Court on October 20, 2020 (Dkt. 520). Therefore, no response is required. To the extent a response is required, Triumph denies the allegations in Paragraphs 490-99.

THIRTY-THIRD CLAIM FOR RELIEF
VIOLATION OF THE NEBRASKA CONSUMER PROTECTION ACT, NEB. REV. STAT. § 59-1602, ET SEQ. (ON BEHALF OF THE NEBRASKA CLASS)

500. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

501. Paragraph 501 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 501.

502. Paragraph 502 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 502.

503. Paragraph 503 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 503.

504. Paragraph 504 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 504.

505. Paragraph 505 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 505.

506. Paragraph 506 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 506.

507. Paragraph 507 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 507.

508. Paragraph 508 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 508.

509. Paragraph 509 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 509.

THIRTY-FOURTH CLAIM FOR RELIEF
VIOLATION OF THE NEVADA DECEPTIVE TRADE PRACTICES ACT, NEV. REV. STAT. § 598.0903, ET SEQ. (ON BEHALF OF THE NEVADA CLASS)

510. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

511. Paragraph 511 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 511.

512. Paragraph 512 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 512.

513. Paragraph 513 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 513.

514. Paragraph 514 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 514.

515. Paragraph 515 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 515.

516. Paragraph 516 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 516.

517. Paragraph 517 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 517.

518. Paragraph 518 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 518.

519. Paragraph 519 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 519.

THIRTY-FIFTH CLAIM FOR RELIEF
VIOLATION OF THE NEW HAMPSHIRE CONSUMER PROTECTION ACT, N.H.
REV. STAT. ANN. TIT. XXXI, § 358-A, ET SEQ. (ON BEHALF OF THE NEW
HAMPSHIRE CLASS)

Plaintiffs' Thirty-Fifth Claim for Relief (¶¶ 520-30) was dismissed by the Court on October 20, 2020 (Dkt. 520). Therefore, no response is required. To the extent a response is required, Triumph denies the allegations in Paragraphs 520-30.

THIRTY-SIXTH CLAIM FOR RELIEF
VIOLATION OF THE NEW MEXICO UNFAIR PRACTICES ACT, N.M. STAT. ANN.
§§ 57-12-3, ET SEQ. (ON BEHALF OF THE NEW MEXICO CLASS)

531. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

532. Paragraph 532 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 532.

533. Paragraph 533 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 533.

534. Paragraph 534 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 534.

535. Paragraph 535 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 535.

536. Paragraph 536 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 536.

537. Paragraph 537 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 537.

538. Paragraph 538 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 538.

539. Paragraph 539 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 539.

540. Paragraph 540 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 540.

541. Paragraph 541 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 541.

THIRTY-SEVENTH CLAIM FOR RELIEF
**VIOLATION OF THE NORTH CAROLINA UNFAIR TRADE AND BUSINESS
PRACTICES ACT, N.C. GEN. STAT. § 75-1.1, ET SEQ. (ON BEHALF OF THE NORTH
CAROLINA CLASS)**

542. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

543. Paragraph 543 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 543.

544. Paragraph 544 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 544.

545. Paragraph 545 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 545.

546. Paragraph 546 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 546.

547. Paragraph 547 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 547.

548. Paragraph 548 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 548.

549. Paragraph 549 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 549.

550. Paragraph 550 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 550.

551. Paragraph 551 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 551.

THIRTY-EIGHTH CLAIM FOR RELIEF
VIOLATION OF THE NORTH DAKOTA UNFAIR TRADE PRACTICES LAW, N.D.
CENT. CODE § 51-10, ET SEQ. (ON BEHALF OF THE NORTH DAKOTA CLASS)

552. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

553. Paragraph 553 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 553.

554. Paragraph 554 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 554.

555. Paragraph 555 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 555.

556. Paragraph 556 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 556.

557. Paragraph 557 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 557.

558. Paragraph 558 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 558.

559. Paragraph 559 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 559.

560. Paragraph 560 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 560.

561. Paragraph 561 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 561.

THIRTY-NINTH CLAIM FOR RELIEF
VIOLATION OF THE RHODE ISLAND DECEPTIVE TRADE PRACTICES ACT, R.I.
GEN. LAWS § 6-13.1-1, ET SEQ. (ON BEHALF OF THE RHODE ISLAND CLASS)

562. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

563. Paragraph 563 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 563.

564. Paragraph 564 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 564.

565. Paragraph 565 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 565.

566. Paragraph 566 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 566.

567. Paragraph 567 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 567.

568. Paragraph 568 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 568.

569. Paragraph 569 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 569.

570. Paragraph 570 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 570.

571. Paragraph 571 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 571.

572. Paragraph 572 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 572.

573. Paragraph 573 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 573.

574. Paragraph 574 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 574.

FORTIETH CLAIM FOR RELIEF
VIOLATION OF THE SOUTH CAROLINA'S UNFAIR TRADE PRACTICES ACT, S.C. CODE ANN. §§ 39-5-10, ET SEQ. (ON BEHALF OF THE SOUTH CAROLINA CLASS)

575. Triumph incorporates and realleges, as though fully set forth herein, each and every response set forth in the preceding paragraphs of this Answer.

576. Paragraph 576 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 576.

577. Paragraph 577 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 577.

578. Paragraph 578 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 578.

579. Paragraph 579 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 579.

580. Paragraph 580 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 580.

581. Paragraph 581 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 581.

582. Paragraph 582 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 582.

583. Paragraph 583 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 583.

FORTY-FIRST CLAIM FOR RELIEF
VIOLATION OF THE UTAH CONSUMER SALES PRACTICES ACT, UTAH CODE ANN. §§ 13-11-1, ET SEQ. (ON BEHALF OF THE UTAH CLASS)

Plaintiffs' Forty-First Claim for Relief (§§ 584-595) was dismissed by the Court on October 20, 2020 (Dkt. 520). Therefore, no response is required. To the extent a response is required, Triumph denies the allegations in Paragraphs 584-595.

FORTY-SECOND CLAIM FOR RELIEF
VIOLATION OF THE UTAH UNFAIR PRACTICES ACT, UTAH CODE ALL. §§ 13-5-1, ET SEQ. (ON BEHALF OF THE UTAH CLASS)

Plaintiffs' Forty-Second Claim for Relief (§§ 595-603) was dismissed by the Court on October 20, 2020 (Dkt. 520). Therefore, no response is required. To the extent a response is required, Triumph denies the allegations in Paragraphs 595-603.

FORTY-THIRD CLAIM FOR RELIEF
VIOLATION OF THE VIRGINIA CONSUMER PROTECTION ACT VA. CODE ANN. § 59.1-196, ET SEQ. (ON BEHALF OF THE VIRGINIA CLASS)

Plaintiffs' Forty-Third Claim for Relief (§§ 604-611) was dismissed by the Court on October 20, 2020 (Dkt. 520). Therefore, no response is required. To the extent a response is required, Triumph denies the allegations in Paragraphs 604-611.

FORTY-FOURTH CLAIM FOR RELIEF
UNJUST ENRICHMENT

612. Triumph incorporates by reference the responses in the preceding paragraphs.

613. Paragraph 613 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 613.

614. Paragraph 614 contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in Paragraph 614. Further, Plaintiffs' unjust enrichment claim (§§ 612-614) was dismissed by the Court on October 20, 2020 (Dkt. 520) as to the laws of the following states: Arizona, Florida, North Dakota, and Utah.

X. REQUEST FOR RELIEF

615. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

616. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

617. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

618. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

619. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

620. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

621. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

622. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

XI. JURY TRIAL DEMANDED

623. Triumph demands a jury trial on all issues so triable.

AFFIRMATIVE DEFENSES

Triumph states the following defenses to the claims against Triumph in the Consumer Indirect Purchaser Plaintiffs' Second Amended Consolidated Class Action Complaint, Dkt. 392:

1. Plaintiffs lack standing under *Illinois Brick v. State of Illinois*, 431 U.S. 720 (1977).
2. Plaintiffs fail to state a claim upon which relief may be granted.
3. To the extent Plaintiffs seek compensatory damages, penalties, punitive damages, exemplary damages, attorneys' fees and expenses, and other monetary relief from Triumph, any such recovery is so grossly excessive and inequitable that it would violate the Due Process Clause of the Fifth and Fourteenth Amendments of the United States Constitution.
4. Triumph has not engaged in any behavior that it knew or could reasonably have foreseen would ever be found to be improper under the federal law alleged by Plaintiffs, and therefore neither actual nor treble damages may be awarded against Triumph.
5. Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations and/or laches.
6. Plaintiffs' claims are barred, in whole or in part, by waiver, ratification, and/or estoppel.
7. To the extent Plaintiffs claim that Triumph fraudulently concealed any actions, Plaintiffs have not alleged such fraud with the particularity required by Federal Rule of Civil Procedure 9(b).

8. Plaintiffs' claims are barred, in whole or in part, because any alleged anti-competitive effects of the conduct alleged by Plaintiffs do not outweigh the pro-competitive benefits.

9. Plaintiffs' claims are barred, in whole or in part, because Triumph's conduct did not cause harm to competition in any relevant market.

10. Plaintiffs' claims are barred, in whole or in part, because Triumph acted unilaterally, in furtherance of its independent business interests.

11. Plaintiffs' claims are barred, in whole or in part, because any contracts or agreements between Triumph and any other person were lawful business arrangements and cannot support a claim that Triumph engaged in any unlawful conspiracy.

12. Plaintiffs' claims are barred, in whole or in part, because they did not suffer antitrust injury.

13. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs' claimed injuries and damages were not legally or proximately caused by any act or omission of Triumph, or were caused, if at all, by the conduct of third parties, including, without limitation, the previous, intervening, or superseding conduct of such third parties.

14. To the extent Plaintiffs have sustained damages, if any, they have failed to mitigate those damages and are therefore barred from recovering damages in whole or in part.

15. Plaintiffs' damages claims are barred, in whole or in part, because they have suffered no damages or because the damages they seek are speculative and uncertain.

16. Plaintiffs' claims are barred, in whole or in part, because of a failure to join necessary and/or indispensable parties.

17. Plaintiffs' claims are barred, in whole or in part, because Triumph did not act knowingly, willfully, or intentionally.

18. Plaintiffs' claims are barred, in whole or in part, by the doctrines of *in pari delicto*, involvement, participation, equal involvement, complete involvement, and unclean hands.

19. Triumph adopts by reference any applicable defense pleaded by any other Defendant that is not otherwise expressly set forth in this Answer.

20. In stating these affirmative defenses, Triumph does not concede that it has the burden of proof on any of the aforementioned defenses.

Dated: December 16, 2020

/s/ Gene Summerlin

Gene Summerlin (*pro hac vice*)

Marnie Jensen (*pro hac vice*)

Ryann Glenn (*pro hac vice*)

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Counsel for Triumph Foods, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which sent notification to all counsel of record.

/s/ Gene Summerlin